

April 21, 2009

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DANA JARVIS,

Defendant-Appellant.

No. 08-2223
(D.C. No. 1:05-CR-01849-JCH-1)
(D. N.M.)

ORDER TO SHOW CAUSE

Before **O'BRIEN, EBEL**, and **TYMKOVICH**, Circuit Judges.

This court granted the parties' "Stipulated Motion to Stay Appeal Pending Resolution of Plea," stayed consideration of Mr. Jarvis's petition for rehearing, and allowed the parties to return to district court for consideration of a plea agreement. The district court docket sheet indicates that Mr. Jarvis pleaded guilty to two counts and on March 24, 2009, was sentenced to 168 months' imprisonment. Judgment was entered on April 3, 2009.

Accordingly, Mr. Jarvis is ORDERED TO SHOW CAUSE on or before May 1, 2009, why his petition for rehearing should not be dismissed as moot and this appeal concluded.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

ELISABETH A. SHUMAKER, Clerk